

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Reserve: February 02, 2009
Date of Order: February 08, 2010

+ Cont. Cas(C) 702/2008

%

08.02.2010

Vinod Kumar (retd.)

...Petitioners

Through: Mr. Rashid Khan, Advocate

Versus

Vijay Kumar & Anr.

...Respondents

Through: Ms. Saroj Bidawat, Advocate

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

1. By way of present contempt petition, the petitioner has alleged violation of order dated 5th July, 2007 passed in W.P(C) 658 of 2004. Vide the said order, this Court given following directions:

"8. In the result, we allow this petition but only in part and to the extent that the respondent shall consider the petitioner's claim for promotion to the next higher rank of Naib Subedar from the date he was otherwise due for such promotion, keeping in view the observations made hereinabove. The needful shall be done within three months from today. Needless to say that in case the petitioner is eventually found to be fit and is granted promotion and is granted promotion, the same shall be accompanied by all financial and other benefits otherwise due to him."

2. A perusal of record would show that the order dated 5th July, 2007 was complied with and the petitioner herein was promised to next higher rank of Naib Subedar from the date given otherwise due. This Court vide the order dated 12th November 2009 had directed the respondent

to consider the claim of the petitioner regarding further promotion on the ground that he was promoted as Naib Subedar on 1st April, 1997 and his next promotion of Subedar would have been due in 2002. The respondent filed additional affidavit submitting that the petitioner was promoted to the rank of Naib Subedar with effect from 1st April, 1997 and was put into the seniority list of Naib Subedar with effect from the same date. The promotion to the rank of Subedar was governed by the provisions of AEC R01 02/2000 as amended by AEC ROI01/2001 and the petitioner was considered in terms of criteria laid down for promotion to the rank of Subedar and the petitioner was not qualified as he did not fulfill the criteria laid. The details of criteria have been given in the affidavit and the fact that the petitioner did not fulfill this criteria has also been stated in the affidavit dated 29th January 2010.

3. Considering the fact that direction of this Court contained in order dated 5th July 2007 were complied with and the petitioner was also considered for subsequent promotion but not found fit, I find that no contempt of the Court was committed by the respondent. The petition is hereby dismissed. No orders as to costs.

February 08, 2010
rd

SHIV NARAYAN DHINGRA J.